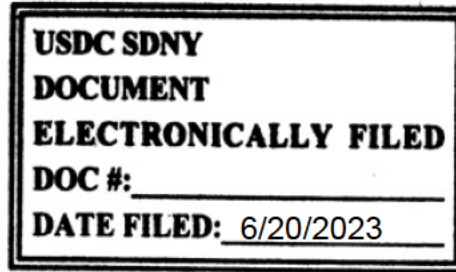




Shapiro Arato Bach LLP

1140 Avenue of the Americas, 17th Floor, New York, NY 10036
phone: 212-257-4880 | fax: 212-202-6417
www.shapiroarato.com

Jonathan P. Bach
jbach@shapiroarato.com
Direct: 212-257-4897



June 15, 2023

Via ECF

The Honorable Robert W. Lehrburger
500 Pearl Street, Room 1960
United States Courthouse
New York, NY 10007

Re: *Hedgeye Risk Management, LLC v. Dale*, No. 21-cv-3687 (ALC) (RWL)

Dear Judge Lehrburger:

On behalf of Defendants Darius Dale, Steven Lamar, and 42 Macro LLC, we seek leave to file Exhibit A to Defendants' motion to compel and references thereto under seal. Exhibit A is an excerpt from the deposition of Hedgeye CEO Keith McCullough, which Hedgeye has designated "attorneys' eyes only"; accordingly, under the Protective Order, we are required to file it under seal.

Having reviewed the deposition testimony at Exhibit A, the request to seal is denied; the information contained on that particular page does not meet the Second Circuit's standards for sealing.

SO ORDERED:

6/20/2023

A handwritten signature in black ink, appearing to be 'R. Lehrburger'.

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted,

/s/ Jonathan P. Bach

Jonathan P. Bach
Fabien M. Thayamballi
Alice Buttrick
SHAPIRO ARATO BACH LLP
1140 Avenue of the Americas, 17th Floor
New York, NY 10036
Tel: (212) 257-4897
Fax: (212) 202-6417
jbach@shapiroarato.com
ftayamballi@shapiroarato.com
abuttrick@shapiroarato.com

*Attorneys for Defendants Darius Dale,
Steven Lamar, and 42 Macro LLC*